23 June 2000

Original: English

Preparatory Commission for the International Criminal Court
Working Group on Rules of Procedure and Evidence concerning Part 2 of the Statute
New York
13-31 March 2000
12-30 June 2000
27 November-8 December 2000

Discussion paper proposed by the Coordinator regarding rules of procedure and evidence relating to Part 2 of the Rome Statute, concerning jurisdiction, admissibility and applicable law

Rule 2.14

Proceedings under article 19

1. A request or application made under article 19 shall be in writing and contain the basis for it. **[Mont Tremblant sub-rule 1]**

2. When a Chamber receives **a request or application** raising a challenge or question concerning its jurisdiction or the admissibility of a case in accordance with article 19, paragraph 2 or 3, or is acting on its own motion as provided for in article 19, paragraph 1, it shall decide on the procedure to be followed and may take appropriate measures for the proper conduct of the proceedings. **It may join the challenge or question to a confirmation or a trial proceeding.** It may hold a hearing. **[Mont Tremblant sub-rule 2 with amendments shown in bold.]**

3. The Chamber shall transmit a request or application received under sub-rule 2 to the Prosecutor and to the person referred to in article 19, paragraph 2, who has been surrendered to the Court or who has appeared voluntarily or pursuant to a summons, and shall allow them to submit written observations to the request or application within a period of time determined by the Chamber. **[New sub-rule to absorb Mont Tremblant rule 6.11 (a)]**

4. The Court shall rule on any **challenge or question** of jurisdiction first and then on any **challenge or question** of admissibility. **[Mont Tremblant sub-rule 3 with amendments shown in bold.]**

00-49669 (E)

NB:

In order to streamline rule 2.14 with Parts 5 and 6 rules, we need to make the following consequential amendments:

1. Delete rule 6.11 sub-rule 1. (Keep rule 6.11 sub-rule 2.)
2. Delete rule 5.18 (i).
3. Amend rule 5.19 as follows:
   (a) Delete rule 5.19 sub-rule 2 (a);
   (b) Delete rule 5.19 sub-rule 5;
   (c) Insert new rule 5.19 sub-rule 1 *bis*:

   "If a question or challenge concerning jurisdiction or admissibility arises, rule 2.14 applies."